

## **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims**

1. (currently amended) A system ~~An apparatus~~ for positioning an annular implant implantable device for an anatomic orifice or lumen about the a perimeter of an anatomic orifice, comprising:

an implantable device with an adjustable member configured to adjust the dimensions of the implantable device, the implantable device having a surface that comes in direct contact with the anatomic orifice or lumen, said surface substantially defining a plane, the adjustable member being configured to be coupled to an adjustment tool that provides adjustment before, during or after the anatomic orifice or lumen resumes near-normal to normal physiologic function, the adjustment tool being positioned during adjustment in a non-planar orientation relative to the plane defined by said surface of the implantable device;  
and

an apparatus including:

a first shaft having proximal and distal ends;

a second shaft having proximal and distal ends and being slidably received within said first shaft;

a plurality of arms, each of said arms having a distal end deflectably mounted to said distal end of said second shaft;

at least one deflection device configured to deflect a proximal end of each of said plurality of arms away from said second shaft when relative movement between said first and second shafts is effected; and

a device configured to hold the implantable device to the proximal ends of the arms. ~~to do at least one of, holding an annular implant to said proximal ends of said arms~~

~~or adjust an annular implant for adjusting a circumference of said annular implant;~~

2. (currently amended) The apparatus system of claim 1, further comprising:

at least one sensor extending distally to said ~~annular implant~~ implantable device when an ~~annular implant~~ implantable device is mounted to said distal ends of said arms.

3. (currently amended) The apparatus system of claim 2, wherein said sensor comprises:

a first end segment;  
an intermediate segment; and  
a second end segment mounted to said intermediate segment for telescoping movement with respect thereto.

4. (currently amended) The apparatus system of claim 3, wherein said second end segment is biased away from said first end segment.

5. (currently amended) The apparatus system of claim 3, wherein said first and second end segments are radiopaque, and wherein said intermediate segment is not radiopaque.

6. (currently amended) The apparatus system of claim 4, wherein said first and second end segments are comprised of a radiopaque material.

7. (currently amended) The apparatus system of claim 4, wherein at least a portion of said first and second end segments are coated with a radiopaque material.

8. (currently amended) The apparatus system of claim 3, wherein said intermediate segment is a different color than said first and second end segments.

9. (currently amended) The apparatus system of claim 3, wherein said first and second end segments are metallic and said intermediate segment is non-metallic.

10. (currently amended) The apparatus system of claim 3, wherein said first and second end segments are metallic and said intermediate segment is non-metallic, whereby it can be visualized under magnetic resonance imaging whether said first and second end segments are abutting.

11. (currently amended) The apparatus system of claim 2, wherein said sensor comprises a microswitch which changes states when said sensor makes contact with an anatomical surface to provide a change in electrical signal indicative of said contact.

12. (currently amended) The apparatus system of claim 2, wherein said sensor includes a fiberoptic element capable of detecting unique tissue qualities of the tissue at a desired site for implantation.

13. (currently amended) The apparatus system of claim 2, wherein said sensor comprises electronic sensors capable of detecting a desired electrophysiologic quality of a desired tissue for proper implantation.

14. (currently amended) The apparatus system of claim 13, wherein said sensor further signals an operator when said desired

electrophysiologic quality is detected.

15. (currently amended) The ~~apparatus~~ system of claim 1, wherein said at least one deflection device includes a plurality of struts, each of said struts having a proximal end deflectably mounted to said distal end of said first shaft and having a distal end deflectably mounted to a corresponding one of said plurality of arms.

16. (currently amended) The ~~apparatus~~ system of claim 15, wherein said distal end of each of said plurality of arms is pivotably mounted to said distal end of said second shaft; wherein said proximal end of each of said plurality of struts is pivotably mounted to said first shaft; and wherein said distal end of each of said plurality of struts is pivotably mounted to a corresponding one of said plurality of arms.

17. (currently amended) The ~~apparatus~~ system of claim 1, further comprising a third shaft having proximal and distal ends, said first and second shafts being slidably received within said third shaft such that said plurality of arms and said means for deflecting said plurality of arms are enclosed within said distal end of said third shaft.

18. (currently amended) The ~~apparatus~~ system of claim 1, wherein one of said first and second shafts has a radially extending key, and the other of said first and second shafts has a corresponding recess for receiving said key, whereby rotational movement between said first and second shafts is inhibited.

19. (currently amended) The ~~apparatus~~ system of claim 17, wherein one of said second and third shafts has a radially extending key, and the other of said second and third shafts has a corresponding recess for receiving

said key, whereby rotational movement between said second and third shafts is inhibited.

20. (currently amended) The apparatus system of claim 1, wherein said second shaft comprises a central lumen extends from a location distal to said distal end of said first shaft to a location proximal to said proximal end of said first shaft, whereby a physician can manipulate said means for releasably holding an annular implant implantable device to said proximal ends of said arms from a location proximal to the proximal end of said first shaft.

21. (currently amended) The apparatus system of claim 1, wherein said second shaft comprises a central lumen.

22. (currently amended) The apparatus system of claim 1, wherein the device configured to hold the implantable device to the proximal ends of the arms is further configured for

at least partially adjusting at least one of a diameter, shape or size of at least a portion of the implantable device ~~to do at least one of, holding an annular implant to said proximal ends of said arms or adjust an annular implant for adjusting a circumference of said annular implant,~~ and includes a separate holding device and a separate adjustment device.

23. (new) The system of claim 1, wherein said apparatus provides precision matching of the implant for placement at the anatomical structure or lumen without tension during fixation.

24. (new) The system of claim 1, wherein the apparatus is configured to orient the implant relative to the anatomical structure or lumen.

25. (new) The system of claim 1, wherein the apparatus is configured to provide reorientation of the implant relative to the anatomical structure or lumen until a precise match is achieved.

26. (new) The system of claim 25, wherein the reorientation of the implant is done more than once.

27. (new) The system of claim 1, wherein the apparatus is configured to provide readjustment of the implant in terms of at least one of, size, shape or diameter until a proper orientation of the implant to the anatomical structure or lumen is established.

28. (new) The system of claim 27, wherein the readjustment of the implant is done more than once.